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EXAMINER

SCIACCA, SCOTT M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/670,257
Filing Date: September 26, 2003
Appellant(s): MCCORMICK ET AL.

Terry W. Kramer (Reg. No. 41,541)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on April 15, 2011 appealing from the Office action mailed on March 28, 2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-4, 6-20, 22-34, 36-39 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer (US 5,673,253) in view of Black et al. (US 7,143,153) and Bell et al. (US 5,223,827).

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 5,673,253	Shaffer	9-1997
US 7,143,153	Black et al.	11-2006
US 5,223,827	Bell et al.	6-1993

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-20, 22-34, 36-39 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer (US 5,673,253) in view of Black et al. (US 7,143,153) and Bell et al. (US 5,223,827).

Regarding Claim 1, Shaffer teaches a method of monitoring and diagnosing resource utilization within a connection oriented network made of network elements (“A *network node and a method of dynamically allocating bandwidth for intranodal and internodal telecommunications sessions include monitoring resource utilization at both a line shelf level and a system-wide level*” – See Abstract), at least one of said network elements including a connection resource tracker for maintaining a database of resource utilization (“*The main controller 46 includes utilization-level circuitry 48 which monitors each of the line shelves 12-16 and the switching fabric 36. The circuitry continuously tracks the availability of bandwidth both at the shelf level and at the*

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system-wide level” – See Col. 5, lines 52-56; *“the memory circuitry may be used to store the utilization thresholds at which bandwidth reallocation is to be triggered”* – See Col. 6, lines 15-17), the method comprising the steps of:

specifying a plurality of resource types for the network elements of the connection oriented network, each resource type being defined by a capacity limit and a utilization (*“Each of the line shelves 12-16 is connected to a switching fabric 36 that routes telecommunications sessions between units 18-22 of the same line shelf, and/or a unit of one line shelf to a unit of a second line shelf, and/or one of the units of FIG. 1 to a unit of a second network node, not shown”* – See Col. 5, lines 27-32; *“a line shelf 12-16 that provides ninety-six channels can service forty-eight voice sessions simultaneously”* – See Col. 5, lines 7-9; *“The switching fabric 36 has a limited capacity with regard to routing of intranodal and internodal sessions. For example, there are limitations with regard to allocation of timeslots, which occur in time division multiplexing or switching, as is well known in the art. Moreover, there are limitations on the capacity of video /voice/data/control transmissions across buses 40, 42 and 44 that link the switching fabric 36 to the individual line shelves 12-16”* – See Col. 5, lines 39-47; A plurality of resource types are provided (e.g., line shelf and switch fabric). Each resource has an associated capacity limit (maximum number of simultaneous sessions supported) and a utilization (current number of sessions));

providing a utilization threshold and a specified threshold for each specified type of resource, wherein the utilization threshold is set at a threshold value used to determine whether resources are being over-utilized and the specified threshold is set

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at a threshold value used to determine whether resources used are exceeding a maximum allowable limit (*“As an example, bandwidth reduction of intranodal and/or internodal session may be triggered when a line shelf reaches 98% capacity or when a switching fabric reaches 95% capacity, while bandwidth restoration may require that the capacity levels then fall below 90% utilization”* – See Col. 6, lines 32-36; Thus a utilization threshold of 90% is provided that indicates a resource is being over-utilized when it is over 90% capacity. A specified threshold is provided (98% capacity for line shelves and 95% for switching fabric) that indicates a maximum allowable usage limit before bandwidth reductions are performed);

monitoring for receipt of call connection establishment signals (*“Optionally, the steps are executed each time a call sequence is initiated for an intranodal or internodal session, which is shown in FIG. 3 as a step 71 of receiving a request for bandwidth allocation”* – See Col. 7, lines 7-10);

measuring the utilization for all resources at the network elements (*“At step 62, data is accumulated regarding the utilization of resources for various times. There may be a learning period in which the historical data of resource utilization is collected for predictive allocation”* – See Col. 6, lines 40-43);

in response to a query from a user relating to a particular type of resource, comparing the utilization for all resources of the particular type as measured in the measuring step with the utilization threshold for said particular type for determining whether the utilization of any resource of said particular type is above the corresponding utilization threshold (*“In step 72, the determination is made as to whether the utilization*

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threshold has been reached for a line shelf. For an internodal session between user units 18-22 that are supported by different line shelves 12-16, the determination is made for both of the involved line shelves” – See Col. 7, lines 10-15; “At step 76, the determination is made as to whether an additional call would render the network node susceptible to a system-wide blocking condition. That is, the utilization threshold of the switching fabric 36 and other components that are common to all of the line shelves 12-16 is considered” – See Col. 7, lines 35-40);

Schaffer does not explicitly teach generating a report and identifying in the report each resource of the particular type for which the utilization is above the corresponding utilization threshold and presenting the report to an operator of said connection oriented network if utilization is above the corresponding utilization threshold for at least one said resource.

However, Black teaches generating a report and identifying in the report each resource of the particular type for which the utilization is above the corresponding utilization threshold and presenting the report to an operator of said connection oriented network if utilization is above the corresponding utilization threshold for at least one said resource (See Col. 173, lines 9-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schaffer to generate reports when thresholds are reached. Motivation for doing so would be to notify a an administrator of network issues as quickly as possible.

Schaffer does not explicitly teach that if the utilization is above the corresponding specified threshold for at least one said resource, checking a timer associated with the resource and when the timer has expired, generating an alarm for the resource and resetting the timer associated with the resource only when the alarm has been generated for the resource.

However, Bell teaches that when a threshold is reached (*“Step 302 tests the new value of COUNT against the present threshold contained in CC”* – See Col. 5, lines 41-43; A utilization level is compared to a threshold), a timer is checked (*“Step 308 tests for an overflow of either CC(J) or TC(J)”* – See Col. 5, line 68 & Col. 6, line 1; *“TC(I) the present time threshold comparison value for this type of event; this variable sets the periodic intervals for each event type”* – See Col. 4, lines 23-25; A timer TC is checked). Bell further teaches that when the timer has expired an alarm is generated and the timer is reset only when the alarm has been generated (*“Step 308 tests for an overflow of either CC(J) or TC(J). If there is no overflow, the program exits. Otherwise, step 310 notifies the network manager 106 of the overflow so that it adjust itself accordingly; step 312 then reinitializes the counters”* – See Col. 5, line 68 & Col. 6, lines 1-5; When there is an overflow for TC(J) (i.e., the timer has expired), a network manager is notified (alarm is generated) and TC is reinitialized (reset). Note that the only time the counters are reinitialized is immediately after the network manager notification. Thus, the timer is reset only when an alarm has been generated).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schaffer to generate an alarm for a resource when a

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timer associated with the resource has expired. Motivation for doing so would be to notify a network manager how often a particular network event occurs by tracking the occurrence of the event with respect to time (See Bell, Col. 1, lines 6-24).

Regarding Claim 2, Schaffer further teaches that the plurality of resource types includes at least one of bandwidth, line card capacity, number of connection end points per line card, Virtual Path Identifier numbers, Virtual Connection Identifier numbers, MultiProtocol Label Switching (MPLS) label numbers, memory within the switch, number of supportable leaf endpoints per system, number of supportable connections in a connecting state, number of MPLS state blocks, and number of connections in a database (*“a line shelf 12-16 that provides ninety-six channels can service forty-eight voice sessions simultaneously”* – See Col. 5, lines 7-9; *“The switching fabric 36 has a limited capacity with regard to routing of intranodal and internodal sessions. For example, there are limitations with regard to allocation of timeslots, which occur in time division multiplexing or switching, as is well known in the art. Moreover, there are limitations on the capacity of video /voice/data/control transmissions across buses 40, 42 and 44 that link the switching fabric 36 to the individual line shelves 12-16”* – See Col. 5, lines 39-47).

Regarding Claim 3, Schaffer further teaches that the step of comparing the utilization for all resources is carried out only with respect to resources within a list of resources (*“Moreover, the memory circuitry may be used to store the utilization*

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thresholds at which bandwidth reallocation is to be triggered” – See Col. 6, lines 15-17; Utilization comparisons are carried out only with respect to the list of thresholds stored in memory 58).

Regarding Claim 4, Black teaches receiving at least one utilization threshold from the operator (See Col. 167, lines 65-67 & Col. 168, lines 1-14).

Regarding Claim 6, Black further teaches the step of generating the report further comprising receiving at least one utilization threshold from the operator (See Col. 167, lines 65-67 & Col. 168, lines 1-14).

Regarding Claim 7, Black further teaches including the utilization of any identified resources in the report (See Col. 169, lines 40-50; i.e., report threshold events to SNMP manager, which sends an SNMP trap, which notifies the NMS client, which displays a notice to the user through GUI 895).

Regarding Claim 8, Schaffer further teaches the step of specifying the plurality of resource types further comprising providing a list of resources, the list of resources including at least one of bandwidth, line card capacity, number of connection end points per line card, Virtual Path Identifier numbers, Virtual Connection Identifier numbers, MultiProtocol Label Switching (MPLS) label numbers, memory within the switch, number of supportable leaf endpoints per system, number of supportable connections in a

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connecting state, number of MPLS state blocks, and number of connections in a database (*“a line shelf 12-16 that provides ninety-six channels can service forty-eight voice sessions simultaneously”* – See Col. 5, lines 7-9; *“The switching fabric 36 has a limited capacity with regard to routing of intranodal and internodal sessions. For example, there are limitations with regard to allocation of timeslots, which occur in time division multiplexing or switching, as is well known in the art. Moreover, there are limitations on the capacity of video /voice/data/control transmissions across buses 40, 42 and 44 that link the switching fabric 36 to the individual line shelves 12-16”* – See Col. 5, lines 39-47), and

the step of generating the report is carried out only with respect to resources within the list of resources (*“Moreover, the memory circuitry may be used to store the utilization thresholds at which bandwidth reallocation is to be triggered”* – See Col. 6, lines 15-17; Utilization comparisons are carried out only with respect to the list of thresholds stored in memory 58).

Block teaches receiving at least one utilization threshold from the operator (See Col. 167, lines 65-67 & Col. 168, lines 1-14).

Regarding Claim 9, Bell teaches upon identification of a resource for which the utilization is above the specified threshold, generating an alarm identifying the resource and presenting the alarm to the operator (As shown above with respect to Claim 1, when a threshold is reached, a network manager is notified of the event (an alarm is generated)).

Regarding Claim 10, Black further teaches receiving at least one utilization threshold from the operator (See Col. 167, lines 65-67 & Col. 168, lines 1-14).

Regarding Claim 11, Schaffer further teaches that the step of determining whether the utilization of the resource is above the corresponding utilization threshold and the step of identifying each such resource are carried out repeatedly (*"The steps shown in FIG. 3 may be carried out continuously or periodically. Optionally, the steps are executed each time a call sequence is initiated for an intranodal or internodal session"* – See Col. 7, lines 6-9).

Regarding Claim 12, Schaffer further teaches a step of pausing after the step of identifying each resource for which the utilization is above the corresponding utilization threshold (*"The steps shown in FIG. 3 may be carried out continuously or periodically. Optionally, the steps are executed each time a call sequence is initiated for an intranodal or internodal session"* – See Col. 7, lines 6-9; The steps of Fig. 3, which include identifying resources for which utilization is above the threshold, may be performed periodically, or only when a call sequence is initiated. Thus, there may be a length of time that passes (i.e., a pause) in between successive comparisons of resource utilization levels to their respective thresholds).

Regarding Claim 13, Schaffer teaches that the step of determining whether the utilization of the resource is above the corresponding utilization threshold and the step of identifying each such resource are carried out only upon receipt of a call connection establishment signal (*"The steps shown in FIG. 3 may be carried out continuously or periodically. Optionally, the steps are executed each time a call sequence is initiated for an intranodal or internodal session"* – See Col. 7, lines 6-9).

Regarding Claim 14, Schaffer in view of Black and Bell disclose the invention substantively as described in claim 13. Schaffer, Black and Bell do not explicitly state that an alarm is generated only when an alarm has not been generated since the utilization of the resource last rose above the threshold, however this is a well known technique in order to reduce redundant alarms. By this rationale, "Official Notice" is taken that both the concepts and advantages of providing for generating an alarm only when an alarm has not been generated is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of Schaffer in view of Black and Bell to include alarm suspensions in order to reduce the likelihood of flooding a particular management computer with redundant alarms, thereby reducing overhead processing of the management server as well as reducing bandwidth congestion in the network.

Regarding Claim 15, Black further teaches including the utilization of any identified resources in the report (See Col. 169, lines 40-50; i.e., report threshold events

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to SNMP manager, which sends an SNMP trap, which notifies the NMS client, which displays a notice to the user through GUI 895).

Regarding Claim 16, Schaffer teaches the step of specifying the plurality of resource types further comprising:

providing a list of resources, the list of resources including at least one of bandwidth, line card capacity, number of connection end points per line card, Virtual Path Identifier numbers, Virtual Connection Identifier numbers, MultiProtocol Label Switching (MPLS) label numbers, memory within the switch, number of supportable leaf endpoints per system, number of supportable connections in a connecting state, number of MPLS state blocks, and number of connections in a database (*“a line shelf 12-16 that provides ninety-six channels can service forty-eight voice sessions simultaneously”* – See Col. 5, lines 7-9; *“The switching fabric 36 has a limited capacity with regard to routing of intranodal and internodal sessions. For example, there are limitations with regard to allocation of timeslots, which occur in time division multiplexing or switching, as is well known in the art. Moreover, there are limitations on the capacity of video /voice/data/control transmissions across buses 40, 42 and 44 that link the switching fabric 36 to the individual line shelves 12-16”* – See Col. 5, lines 39-47), and

the step of determining whether the utilization of the resource is above the corresponding utilization threshold is carried out only with respect to resources within the list of resources (*“Moreover, the memory circuitry may be used to store the utilization thresholds at which bandwidth reallocation is to be triggered”* – See Col. 6,

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lines 15-17; Utilization comparisons are carried out only with respect to the list of thresholds stored in memory 58).

Black teaches receiving at least one utilization threshold from the operator (See Col. 167, lines 65-67 & Col. 168, lines 1-14).

Claims 17-20, and 22-34, 36-39 and 41-46 are rejected for similar reasons as stated above. Furthermore Schaffer discloses that the system can identify resources that are below the corresponding utilization threshold (See Col. 6, lines 32-36).

(10) Response to Argument

(A) *Appellant Argues:*

“Independent claim 1 recites: ‘providing a utilization threshold and a specified threshold for each specified type of resource’ (emphasis added). Similar subject matter appears in independent claims 17, 33, 34, 39, 44, and 46. Appellant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 4, the Office Action alleges that Shaffer provides this subject matter, relying upon col. 6, lines 32-36 of Shaffer. However, Shaffer does not actually provide two thresholds for each type of resource. Instead, Shaffer actually discloses that ‘there may be a different threshold for line shelf utilization than for switching fabric utilization.’ See lines 24-25 of col. 6 in Shaffer. The line shelf threshold value is 98% while the switching fabric threshold value is 95%. See lines 34-35 of col. 6. Thus, Appellant respectfully submits that Shaffer actually teaches different values for thresholds, not the use of a two thresholds for each type of resource.

Independent claim 1 also recites: ‘wherein the utilization threshold is set at a threshold value used to determine whether resources are being over-utilized and the specified threshold is set at a threshold value used to determine whether resources used are exceeding a maximum allowable limit’ (emphasis added).

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Similar subject matter appears in independent claims 17, 33, 34, 39, 44, and 46. Appellant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 4, the Office Action alleges that Shaffer provides this subject matter, again relying upon col. 6, lines 32-36 of Shaffer. In response, as described above, Shaffer provides for different threshold values, not the use of a two thresholds for each type of resource. Appellant respectfully submits that Shaffer is silent regarding use of two thresholds for both the ‘line shelf’ and ‘switching fabric’ cases.

The cited example of ‘bandwidth restoration’ is not germane because it is not related to a type of resource. Instead, Shaffer presents ‘bandwidth reduction’ and ‘bandwidth restoration’ as opposite operations. Consequently, Shaffer fails to teach the use of both utilization and specified thresholds for each resource.”

In Response:

Appellant appears to have ignored a key portion of Shaffer’s disclosure which was cited and emphasized in the rejection of Claim 1 under 35 U.S.C. 103(a). In the Non-final Office Action dated March 28, 2011, the Examiner cited Col. 6, lines 32-36 of Shaffer with respect to the feature of “providing a utilization threshold and a specified threshold for each specified type of resource, wherein the utilization threshold is set at a threshold value used to determine whether resources are being over-utilized and the specified threshold is set at a threshold value used to determine whether resources used are exceeding a maximum allowable limit” (See p. 4 of the Non-final Office Action dated March 28, 2011).

Col. 6, lines 32-36 of Shaffer states: “As an example, bandwidth reduction of intranodal and/or internodal session may be triggered when a line shelf reaches 98%

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capacity or when a switching fabric reaches 95% capacity, while bandwidth restoration may require that the capacity levels then fall below 90% utilization.” In order to further explain this citation and how it relates to the claim limitations, Examiner stated “Thus a utilization threshold of 90% is provided that indicates a resource is being over-utilized when it is over 90% capacity. A specified threshold is provided (98% capacity for line shelves and 95% for switching fabric) that indicates a maximum allowable usage limit before bandwidth reductions are performed” on p. 4 of the Non-final Office Action dated March 28, 2011. Appellant seems to have ignored the “90%” threshold disclosed by Shaffer and cited by the Examiner with respect to the claimed “utilization threshold”.

Thus, Shaffer provides a specified threshold for a plurality of resource types (i.e., 98% capacity for line shelves and 95% capacity for switching fabric). The claim specifies that a specified threshold is used to determine whether resources have exceeded a maximum allowable limit. The 98% threshold for line shelves and the 95% threshold for switching fabric disclosed by Shaffer indicate a maximum allowable limit since measures are taken to reduce usage (i.e., bandwidth reduction) once the thresholds are exceeded.

Furthermore, Shaffer provides a utilization threshold for a plurality of resource types (i.e., 90% capacity for both line shelves and switching fabric). The claim specifies that a utilization threshold is used to determine when resources are being over-utilized. The 90% threshold for line shelves and switching fabric disclosed by Shaffer indicates over-utilization of resources because bandwidth restoration is not allowed until usage falls below 90%.

(B) Appellant Argues:

“Independent claim 1 also recites: ‘if the utilization is above the corresponding utilization threshold for at least one said resource, generating a report’ (emphasis added). Similar subject matter appears in independent claims 17, 33, 34, 39, 44, and 46. Appellant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 5, the Office Action correctly concedes that Shaffer fails to provide this subject matter. To remedy this admitted deficiency, the Office Action then applies Black’s teachings, relying upon col. 173 of Black. In response, Appellant respectfully submits that Black’s teachings are inapplicable to Shaffer because Shaffer does not provide the recited utilization threshold for each resource.”

In Response:

The Appellant’s argument against the combined teachings of Shaffer and Black relies on the premise that Shaffer does not provide utilization thresholds for each resource. It has been shown above that Shaffer discloses providing a utilization threshold for each resource. Thus, Appellant’s arguments against the combination of Shaffer in view of Black are moot.

(C) Appellant Argues:

“Independent claim 1 also recites: ‘if the utilization is above the corresponding specified threshold... checking a timer’ (emphasis added). Similar subject matter appears in independent claims 17 and 33. Appellant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 6, the Office Action correctly concedes that Shaffer fails to provide this subject matter. To remedy this admitted deficiency, the Office Action then applies Bell’s teachings. In response, Appellant

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respectfully submits that Bell's teachings are inapplicable to Shaffer because Shaffer fails to provide both utilization and specified thresholds for each resource. Consequently, any of Bell's teachings regarding a timer would not apply to the situation of exceeding both utilization and specified thresholds."

In Response:

The Appellant's argument against the combined teachings of Shaffer and Bell relies on the premise that Shaffer does not provide both utilization thresholds and specified thresholds for each resource. It has been shown above that Shaffer discloses providing a specified threshold for each resource as well as a utilization threshold for each resource. Thus, Appellant's arguments against the combination of Shaffer in view of Bell are moot.

(D) Appellant Argues:

"Independent claim 34 recites, in part: 'checking whether a flag associated with the resource indicates that an alarm has recently been generated for the resource; and wherein if the flag does not indicate that the alarm has recently been set, a step of generating the alarm is carried out and the flag is set to indicate that the alarm has recently been generated.' Similar subject matter appears in independent claims 39, 44, and 46. Appellant respectfully submits that the references of record, alone or in combination, fail to disclose, suggest, or teach this subject matter.

On page 13, the Office Action indicates that claims 17-20, 22-34, 36-39, and 41- 46 are rejected for 'similar reasons as stated above.' In response, Appellant respectfully submits that independent claims 34, 39, 44, and 46 relate to use of a flag to avoid repeated generation of alarms, rather than the timer recited in claims 1, 17, and 33. Because the Office Action fails to provide any articulated reasoning regarding obviousness of claims reciting a flag, Appellant respectfully submits that these rejections are clearly erroneous."

In Response:

The term “flag”, given its broadest reasonable interpretation, may be any kind of parameter associated with the resource. The timer disclosed by Bell is relied upon to disclose both the “timer” claimed in Claims 1, 17, 33 and 45 as well as the “flag” claimed in Claims 34, 39, 44 and 46.

Bell discloses the use of an interval timer (i.e., flag) that is checked before notifying a network manager that an event has occurred (i.e., generating an alarm) (See steps 308 and 310 of Fig. 3 and Col. 5, line 68 through Col. 6, line 5). The interval timer is compared to the threshold value of the timer. A value below the threshold implies that an alarm has recently been generated. Thus, a network administrator is only notified that an event has occurred once after every interval has expired (Fig. 4 further illustrates this concept). Only after the interval timer reaches the overflow/threshold value is a network manager notified (alarm generated).

Furthermore, Bell teaches that after an alarm has been generated (the network manager is notified in step 310 of Fig. 3), setting the flag to indicate that an alarm has recently been generated (counters reinitialized in step 312 of Fig. 3. The counter TC, which is the interval timer, is reset).

Thus, Bell teaches to the claimed feature of “checking whether a flag associated with the resource indicates that an alarm has recently been generated for the resource; and wherein if the flag does not indicate that the alarm has recently been set, a step of generating the alarm is carried out and the flag is set to indicate that the alarm has

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recently been generated” from Claim 34 in the same way that it teaches the claimed feature of “checking a timer associated with the resource; and when the timer has expired, generating an alarm for the resource and resetting the timer associated with the resource” from Claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Scott M. Sciacca/

Examiner, Art Unit 2478

Conferees:

/BENJAMIN R BRUCKART/

Primary Examiner, Art Unit 2478

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2478

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